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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE, Plaintiff and Respondent, v. MARTY J. BLANCO, Defendant and Appellant.	D070069 (Super. Ct. Nos. SCD262535)

APPEAL from a judgment of the Superior Court of San Diego County, Amalia L. Meza and Louis R. Hanoian, Judges. Affirmed.

Cindy Brines, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Julie L. Garland, Assistant Attorney General, Peter Quon, Jr. and Marilyn L. George, Deputy Attorneys General, for Plaintiff and Respondent.

A jury convicted defendant and appellant Marty J. Blanco as charged of two counts of possession of controlled substances for sale. (Health & Saf. Code,[1] §§ 11378 [methamphetamine], 11359 [marijuana].) These substances were confiscated during a search of her home authorized by a search warrant. After the verdict, the trial court sentenced Blanco to three years' felony probation, conditioned on serving 180 days in county jail and being subject to other specified terms of probation. She appeals.

Pretrial, the court held a hearing in camera to consider Blanco's motions (1) to disclose a confidential informant and (2) to unseal, quash and traverse the search warrant. The court examined the investigating detective's sealed affidavit supporting the search warrant and heard testimony, then denied the motions, with one exception. The court unsealed one sentence from the detective's supporting affidavit, regarding recent surveillance he had conducted of Blanco's home.

On appeal, Blanco first requests that we independently review the search warrant to determine whether all the material in the supporting affidavit was properly sealed, or whether it contained information about a material witness that should have been disclosed to Blanco, on the issues of probable cause to search her home or her guilt of the offenses. (*People v. Hobbs* (1994) 7 Cal.4th 948.) As will be explained, we conclude the supporting affidavit was properly sealed, with the exception identified by the trial court. Nothing further in it required disclosure for Blanco to have a fair trial.

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1 All further statutory references are to this code unless otherwise indicated.

Blanco next contends that several conditions of her probation are unconstitutionally overbroad, regarding requirements for obtaining approval from the probation officer as to her residence and employment, and for travel outside the county of San Diego. (*In re Sheena K.* (2007) 40 Cal.4th 875, 890 (*Sheena K.*) [probation conditions are unconstitutionally overbroad if they limit constitutional rights without being narrowly tailored/reasonably related to compelling state interest in rehabilitation, etc.].)

At sentencing, Blanco did not object to the probation conditions being imposed. Although she now claims constitutional error, effectively, she has only argued that in view of her particular situation, the trial court exercised its authority erroneously. However, she did not create a record to allow us to evaluate whether such otherwise lawful conditions were inappropriately imposed, and we therefore apply traditional objection and waiver principles to treat her appellate arguments on this point as forfeited. (*People v. Welch* (1993) 5 Cal.4th 228, 236 (*Welch*).)

On another sentencing issue, Blanco argues it was error for the court to impose penalty assessments in addition to a $50 criminal laboratory analysis fee (the lab analysis fee), thereby increasing that amount to $205. (§ 11372.5.)[2] Blanco contends that the precise language of section 11372.5, subdivision (a) describes a predominantly

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2 Section 11372.5, subdivision (a) provides in pertinent part: "Every person who is convicted of a violation of [numerous drug laws, including, as relevant here, § 11378, etc.] shall pay a criminal laboratory analysis fee in the amount of fifty dollars ($50) for each separate offense. The court shall increase the total fine necessary to include this increment."

administrative fee that should not support the inclusion of penalty assessments. (*People v. Watts* (2016) 2 Cal.App.5th 223 (*Watts*).) We reject this claim and affirm the judgment. (*People v. Martinez* (1998) 65 Cal.App.4th 1511, 1520-1522 (*Martinez*) [lab analysis fee is a fine that increases the total fine, and that is subject to penalty assessments].)

FACTUAL AND PROCEDURAL BACKGROUND

At trial, San Diego Police Detective Ruben Hernandez testified that he was the case agent for executing a search warrant at Blanco's residence on June 16, 2015, in the College area of San Diego. When he talked to her to explain why he and fellow officers were there, he asked if she had any illegal narcotics in her residence. She admitted there were and showed him a small baggie on the dresser top that had a crystal-like substance in it, and a couple of baggies of marijuana in a drawer. As the officers searched, they found additional bindles of a crystal-like substance that were wrapped in black electrical tape, and that turned out to be methamphetamine when tested. Officers also found several little digital scales, black electrical tape and some empty clear plastic baggies of the type commonly used to package narcotics, as well as some white powder and a marijuana cigarette ready for use. They also found about $280 in cash, a little pistol and some containers used to keep other drugs hidden. There was a safe located in the living room containing Ziploc bags of marijuana. When the officers searched Blanco's car pursuant to the search warrant, they found illegal methamphetamine smoking devices in the trunk.

The detective and a criminalist testified that the methamphetamine found at the house weighed about 46 grams and represented about 900 single uses. Its street value would be between $1,000 and $1,200. The detective thought that the amount of marijuana found, about 310 grams, was worth about $200, although it was evidently not tested in a laboratory. Based on his training and experience, Hernandez concluded from the amounts of drugs and equipment found at the house that the drugs were most likely possessed for sale, although some personal use was also possible.

During the defense case, Blanco presented evidence that she had cared for her sick grandmother at her home for a few years, and then continued to live at the family home after her grandmother died, without paying rent. Blanco's mother gave her cash every week or two to pay bills. Her mother knew that Blanco had started using drugs in high school and had been in rehabilitation facilities a couple of times, but she seemed to be continuing to use drugs off and on. Blanco's father also gave her cash every few months, when he had it.

Blanco testified about the day that the warrant was executed and how she had forgotten that her estranged husband had left some methamphetamine at the house, until she rediscovered it the weekend before the detectives arrived and put most of it away. Half of that methamphetamine was supposed to be hers, but she thought her husband had stolen it and had not made any plans to sell it. She had most recently used methamphetamine a few weeks before the warrant was served.

Blanco testified that her husband had also left some marijuana at the house, that he grew or got somewhere else, but she had forgotten about it. The money found at her

house was money that her mother gave her for expenses. She had not held a job since she stopped caring for her late grandmother two years before. The scales found at the house had been used in the 1990's, when she and her husband used to go gold mining as a hobby. She and her friends used baggies for craft purposes.

Following instructions, the jury convicted Blanco of both counts, and she appeals.

DISCUSSION

I

REVIEW OF SEARCH WARRANT AFFIDAVIT AND TRANSCRIPT

A. Background

During the pretrial motion hearing, Blanco contended that the identity of a confidential informant presumably used by detectives to investigate the case should be disclosed to her, as a material witness on probable cause to search her residence or on her guilt of possessing the drugs seized there. She argued that an order unsealing or quashing the warrant would assist in her defense. At the hearing, the court framed the issues as including whether the informant was a material witness to the crimes with which Blanco was charged, in terms of whether there was a relationship between them, the crime and/or the premises that were searched, to arguably provide her with any incriminatory or exculpatory evidence. The court also considered whether sufficient probable cause had been demonstrated for the search warrant and if its supporting materials contained any material misrepresentations or omissions.

At Blanco's request and with the People's agreement, the trial court inspected the entire warrant for the search of Blanco's home, for the purpose of determining whether

the affidavit supporting it was properly sealed to protect the identity of the confidential informant. Blanco and her attorney were excluded from the courtroom, and the court took testimony from Detective Hernandez regarding the informant's relationship to the defendant, the crime, and the premises that were searched. The court ruled that the sealed attachment affidavit to the search warrant should properly remain confidential, to protect the informant's identity. The court explained that any evidence from the informant would be related to the probable cause for the search of the house, and there was no indication the informant could provide any evidence of guilt on the charged offenses, or that his or her testimony would tend to exonerate Blanco or show that there was another witness to the crime charged. No reasonable possibility existed that nondisclosure would deprive Blanco of a fair trial.

However, the trial court disclosed to the defense one sentence in the attachment, as follows: "Within the last 10 days, I conducted surveillance of the property and saw people come and go from the location consistent with that of narcotic activity." After hearing further argument, the court concluded there was no showing that the informant could provide exculpatory evidence, or was a material witness. Based on that, the court denied the motion to quash and traverse the search warrant and to suppress evidence, except as noted.

B. Analysis

" 'The question facing a reviewing court asked to determine whether probable cause supported the issuance of the warrant is whether the magistrate had a substantial basis for concluding a fair probability existed that a search would uncover wrongdoing.

[Citations.] "The task of the issuing magistrate is simply to make a practical, commonsense decision whether, given all the circumstances set forth in the affidavit before him . . . there is a fair probability that contraband or evidence of a crime will be found in a particular place." ' [Citations.]" (*People v. Thuss* (2003) 107 Cal.App.4th 221, 235.)

On review, we have augmented the record to include the sealed affidavit that was attached to the search warrant, and the sealed portion of the reporter's transcript of the hearing. Pursuant to the procedure set forth in *People v. Hobbs*, *supra*, 7 Cal.4th 948, and as the People have conceded is appropriate, we have independently reviewed the sealed materials. Having done so, we conclude that the affidavit supporting the search warrant was properly sealed and only the identified sentence, as previously conveyed to Blanco, was appropriately subject to disclosure. This record does not require that further information be disclosed to Blanco, to assure her that probable cause existed for the search and that trial on the issue of guilt was properly conducted.

II

PROBATION CONDITIONS

For the first time on appeal, Blanco contends that several conditions of her probation are unconstitutionally overbroad, the requirements that she obtain probation officer approval of her residence and employment and of any travel outside of San Diego County. Blanco contends her concerns are not directed toward the reasonableness of the conditions, but instead are of constitutional dimension, and thus she did not forfeit them by not mentioning them in the trial court. (*Sheena K.*, *supra*, 40 Cal.4th 875, 885-886 [no

forfeiture on appeal of challenges to probation conditions based on "facial constitutional defects"].)

A. Applicable Legal Principles

Sentencing courts have broad discretion in imposing conditions of probation meant to protect the public and rehabilitate the defendant. (*People v. Carbajal* (1995) 10 Cal.4th 1114, 1120 (*Carbajal*).) Review of probation conditions is conducted under an abuse of discretion standard. (*Id.* at p. 1121.) A trial court abuses its discretion in imposing probation conditions if its decision is arbitrary, capricious or irrational. (*Ibid*.) A probation condition is invalid if it " ' "(1) has no relationship to the crime of which the offender was convicted, (2) relates to conduct which is not in itself criminal, and (3) requires or forbids conduct which is not reasonably related to future criminality . . . ." ' " (*People v. Olguin* (2008) 45 Cal.4th 375, 379 (*Olguin*), quoting *People v. Lent* (1975) 15 Cal.3d 481, 486 (*Lent*).) All three parts of this test must be satisfied before a reviewing court will invalidate a condition of probation. (*Olguin, supra,* at p. 379.)

A probationer is not entitled to the same constitutional protections as other citizens, and a probation condition infringing on a constitutional right is permissible if it serves the purposes of rehabilitation and public safety. (*People v. Peck* (1996) 52 Cal.App.4th 351, 362.) "A probation condition should be given 'the meaning that would appear to a reasonable, objective reader.' " (*Olguin*, *supra*, 45 Cal.4th at p. 382.) The probation department's authority to supervise compliance with the conditions of probation does not empower the department's officers to engage in irrational conduct or make irrational demands. (*Id.* at p. 383.) Probation conditions should be evaluated in

context, and only reasonable specificity is required. (*People v. Lopez* (1998) 66 Cal.App.4th 615, 630 (*Lopez*); see *People v. Bauer* (1989) 211 Cal.App.3d 937, 944 [probation condition requiring prior approval of residence by a probation officer was invalid as unduly infringing on constitutional rights of travel and freedom of association].)

Not every constitutionally based challenge to a probation condition will survive the application of a forfeiture rule. (*Sheena K., supra*, 40 Cal.4th 875, 889.) Some such challenges "do not present 'pure questions of law that can be resolved without reference to the particular sentencing record developed in the trial court.' " (*Ibid.*, citing *Welch, supra*, 5 Cal.4th at p. 235.) " 'In those circumstances, "[t]raditional objection and waiver principles encourage development of the record and a proper exercise of discretion in the trial court." ' " (*Sheena K.*, *supra*, at p. 889, citing *Welch, supra*, at p. 236.)

B. Probation Report and Analysis

In the probation report, Blanco disclosed to the interviewing officer that she was continuing to use marijuana daily, as well as about one gram of methamphetamine daily, most recently the day before the interview. She continued to deny that she had been selling drugs, saying she got them through friends. She was last employed full time in 1989, and had sometimes worked since then, although she did not have any regular source of income. A friend was planning to offer her a job. She did not express any remorse about the offenses, and did not believe she would benefit from receiving alcohol or drug treatment. She thought she would be able to do well on probation because she

had done so in 1991, when summary probation was ordered for her only previous recorded offense, a misdemeanor.

Among the probation conditions imposed were requirements that Blanco notify the probation officer of changes in her employment and residence. She was further required to obtain the probation officer's approval of her employment and residence, and for any out-of-county travel. Also, court approval was required for her to move out of state. At the sentencing hearing, her counsel discussed the probation conditions with her and she said she understood and agreed to them, without challenge.

On appeal, Blanco now contends that several related probation conditions imposed were adequate for her needs, regarding notification of changes in her status. She argues that the additional conditions requiring probation officer approval of her residence, employment, and out-of-county travel were not adequately tailored to meet the goals of addressing the nature of her offenses or the state's goal of rehabilitation. (*Bauer*, *supra*, 211 Cal.App.3d at p. 944.) Regarding the travel restriction, she seeks to have a knowledge requirement imposed, as she could inadvertently violate the current condition.

The challenged conditions can be interpreted as enabling ready supervision of Blanco's activities, with the goal of preventing future criminality but without imposing an undue burden on her constitutional rights. (*Lent*, *supra*, 15 Cal.3d at p. 486; *In re E.O.* (2010) 188 Cal.App.4th 1149, 1153.) To the extent that Blanco argues they were excessive or overbroad in nature, she has failed to provide this court with a record to explain why they lack any justification in her particular circumstances.

"Traditional objection and waiver principles encourage development of the record and a proper exercise of discretion in the trial court." (*Welch, supra*, 5 Cal.4th at p. 236.) The forfeiture doctrine properly applies to this new defense objection on appeal to discretionary sentencing choices, which were presumably "premised upon the facts and circumstances of the individual case." (*Sheena K., supra,* 40 Cal.4th 875, 885.) Blanco had the opportunity at sentencing to object to any perceived facial constitutional flaws in the conditions regarding her freedom to associate and travel. If her counsel had done so, the trial court would have had occasion "to consider, and if appropriate in the exercise of its informed judgment, to effect a correction." (*Id.* at p. 889.) Lacking such a record, we have no basis to accept her appellate arguments of overbreadth. It remains within her rights to petition the probation officer for a review of a particular condition, or to seek relief from the trial court in modifying or vacating the order, based on significantly changed circumstances.

III

ALLOWABLE AMOUNT FOR LAB ANALYSIS FEE

Based on the probation officer's recommendation, the trial court imposed a lab analysis fee of $205, composed of the $50 statutory amount plus $155 in penalty assessments. Blanco acknowledges that she did not make any objection at the trial level to the amount of the fee, but claims entitlement to challenge this sentence component as unauthorized by section 11372.5. Such statutory interpretation issues are questions of law that may be addressed here, regardless of any waiver or forfeiture contentions by the attorney general's office. (See *People v. Talibdeen* (2002) 27 Cal.4th 1151, 1153, 1157

(*Talibdeen*) [newly raised claim is cognizable on appeal if it addresses legal error at sentencing that is correctable without reference to or need for factual findings]; *People v. Wallace* (2004) 120 Cal.App.4th 867, 874 (*Wallace*) [punitive nature of assessment is determined by reference to evident purpose of statutory scheme].)

Section 11372.5, subdivision (a) mandates that "[e]very person who is convicted of a violation of [e.g., § 11378] shall pay a criminal laboratory analysis fee in the amount of fifty dollars ($50) for each separate offense." The statute next requires that the court increase the total "fine" necessary to include this increment. (*Ibid.*) Based on her reading of the statute, Blanco claims the lab analysis fee should be reduced to the statutorily specified "fee" amount of $50. She argues this type of fee is not punitive in nature, but rather administrative, and it should not qualify as a "fine" or "penalty," to which penalty assessments can be added. (*People v. Vega* (2005) 130 Cal.App.4th 183, 194-195 ["fines are imposed for retribution and deterrence; fees are imposed to defray administrative costs"].)

Blanco's arguments mainly rely on language in *Watts*, *supra*, 2 Cal.App.5th 223, 234, in which the court said that the references in section 11372.5, subdivision (a) "to the phrases 'total fine,' 'fine,' and 'any other penalty' " do not "establish that the crime-lab fee constitutes a 'fine' or 'penalty' within the meaning of the statutes governing penalty assessments. As to the statute's reference to 'total fine,' we fail to perceive how the fact that the crime-lab fee increases the 'total fine' necessarily means the fee is itself a 'fine' subject to penalty assessments. Nothing about the statute's use of the phrase 'total fine' is inconsistent with the conclusion that the crime-lab fee simply gets added to the overall

charge imposed on the defendant after penalty assessments are calculated." (*Watts, supra,* at p. 234.) In *Watts,* the court stated, "the Legislature intended the crime-lab fee to be exactly what it called it in the first paragraph [of § 11372.5], a fee, and not a fine, penalty, or forfeiture subject to penalty assessments." (*Watts, supra,* at p. 231*;* see *People v. Moore* (2015) 236 Cal.App.4th Supp. 10, 17 [lab analysis fee is not a fine].)

In *Talibdeen, supra*, 27 Cal.4th 1151, 1153-1155, the California Supreme Court did not directly address whether a lab analysis fee was actually a fine, but instead focused on the related issue of whether a trial court had the discretion to waive penalties under Penal Code section 1464. The court in *Talibdeen* held such penalties are mandatory. (*Talibdeen, supra,* at p. 1157.) In reaching that conclusion, the Supreme Court stated, "Although subdivision (a) of Penal Code section 1464 and subdivision (a) of Government Code section 76000 *called for* the imposition of state and county penalties based on such a fee, the trial court did not levy these penalties . . . ." (*Talibdeen, supra,* at p. 1153; italics added.)

The relevant definitions in Penal Code, section 1463, subdivision (*l*) of "Total fine [or forfeiture]" begin with the statement that it "means the total sum to be collected upon a conviction," and it may include, but is not limited to, numerous specified components, according to the particular offense: "(1) The 'base fine' upon which the state penalty and additional county penalty is calculated"; plus other enumerated state and county

penalties. (Pen. Code, § 1463, subd. (*l*)(1)-(7) [e.g., Pen. Code, § 1464 and Gov. Code, § 76000].)[3]

Blanco argues *Talibdeen* is not controlling because that case did not decide this issue directly and the Supreme Court only assumed without deciding that penalty assessments attach to the lab analysis fee under section 11372.5. The *Talibdeen* court's language and intention seem clear: Penal Code section 1464 and Government Code section 76000 "called for"—that is, required—assessment of penalties on the lab analysis fee imposed under section 11372.5. (*Talibdeen*, *supra*, 27 Cal.4th at p. 1153.) We should be guided by Supreme Court authority even if it is arguably dicta. (*Hubbard v. Superior Court* (1997) 66 Cal.App.4th 1163, 1169.)

Blanco's arguments disregard other important portions of the statutory scheme of which section 11372.5 is a part. She cannot properly claim that merely a "fee" was imposed, when Penal Code section 1464 and Government Code section 76000, inter alia, additionally mandate penalties or assessments upon every "fine, penalty, or forfeiture" imposed by a trial court in a criminal case. (*People v. Sharret* (2011) 191 Cal.App.4th

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3 Penal Code section 1464, subdivision (a)(1) provides in pertinent part: "Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, and except as otherwise provided in this section, there shall be levied a state penalty in the amount of ten dollars ($10) for every ten dollars ($10), or part of ten dollars ($10), *upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses* . . . ." (Italics added; "forfeiture" in this context refers to forfeiture of bail, which is not an issue here.) Similarly, Government Code section 76000, subdivision (a)(1) imposes a penalty payable to the county, as follows: "[I] n each county there shall be levied an additional penalty in the amount of seven dollars ($7) for every ten dollars ($10), or part of ten dollars ($10), upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses . . . ."

859, 869 (*Sharret*) ["the Legislature intended the section 11372.5 criminal laboratory analysis fee to be punitive"].)[4]

In the context of Blanco's offenses, section 11372.5 provided for the imposition of a lab analysis fee of $50. Under subdivision (b) of that statute, the courts shall transmit the monies recovered, in addition to fines and forfeitures, to the county treasurer, and the county may "retain an amount of this money equal to its administrative cost incurred pursuant to this section." (§ 11372.5, subd. (b).) Proceeds must be used to pay costs incurred by crime laboratories providing analyses for controlled substances in connection with criminal investigations, to purchase and maintain laboratory equipment, and to fund continuing education and training of their forensic scientists. Even assuming the Legislature had multiple purposes in creating the lab analysis fee, such as recouping administrative costs, the language of section 11372.5 does not show any legislative intent to exempt money assessed under it from other mandatory penalties. (See *People v. Sierra* (1995) 37 Cal.App.4th 1690, 1696 (*Sierra*) [drug program fee imposed under

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4 Section 11372.5, subdivision (a) includes in its second paragraph a catchall phrase, "With respect to those offenses specified in this subdivision for which a fine is not authorized by other provisions of law, the court shall, upon conviction, impose a fine in an amount not to exceed fifty dollars ($50), which shall constitute the increment prescribed by this section and which shall be in addition to any other penalty prescribed by law." (Pen. Code, § 672 [court may impose fines for offenses punishable by imprisonment, if fine was not otherwise prescribed].) The court in *Watts*, *supra*, 2 Cal.App.5th at pages 230 through 231 and pages 234 through 237, placed some emphasis on interpreting this latter phrase in section 11372.5, subdivision (a) as "surplusage," but we think it adds nothing to the relevant analysis here. (*Watts*, *supra*, at p. 236.)

section 11372.7 amounts to a "fine and/or a penalty to which the penalty assessment provisions of Penal Code section 1464 and Government Code section 76000 apply"].)

Initially, in *Martinez, supra,* 65 Cal.App.4th 1511, the appellate court noted that it was error for the trial court in that case to set the lab analysis fee at $100, when the defendant had only one current conviction, and the statute only authorized such a fee at $50. (*Id*. at p. 1519.) The appellate court accordingly modified the judgment to reduce the lab analysis fee to the statutory limit, but it did this before considering the penalty assessment issues. (*Ibid.*) The court in *Martinez* went on to discuss and approve the addition of penalty assessments to the lab analysis fee. It agreed with the reasoning of *Sierra, supra*, 37 Cal.App.4th 1690, 1694-1695 to conclude that a section 11372.5 lab analysis fee is also a fine that is subject to mandatory penalty assessments. Section 11372.5 provides that the lab analysis fee is an increase to the total fine, and it therefore "is subject to penalty assessments." (*Martinez, supra*, at p. 1522.)

In the related context of applying a stay of punishment under section 654, the court in *Sharret, supra,* 191 Cal.App.4th 859, 869-870 decided the lab analysis fee is punitive in nature, not administrative. Among the numerous reasons it gave, the court emphasized that section 11372.5 identifies the lab analysis fee as an increment increasing the total fine. (*Sharret, supra*, at pp. 869-870; Pen. Code, § 1463, subd. (*l*).) Relying in part on *Talibdeen, supra,* 27 Cal.4th at page 1153, the court held, "Although described as a 'fee,' the criminal laboratory analysis fee is an increment of a fine and as such it is a fine. [Citations.] And, as our Supreme Court has held, 'Fines arising from [criminal] convictions are generally considered punishment.' [Citations, including *People v. Alford*

(2007) 42 Cal.4th 749, 757; *Wallace, supra*, 120 Cal.App.4th at p. 875.]" (*Sharret, supra*, at p. 869.) A lab analysis fee is therefore subject to additional penalty assessments on fines. (*Ibid*.)

Accordingly, we cannot accept Blanco's argument that the statutory reference to the lab analysis fee of $50 in section 11372.5 can be read in isolation as constituting a cap on the allowable fines and penalties. It was appropriate for the trial court to specify that penalty assessments must be added to this type of fee, as an additional increment of the overall fine. As a matter of statutory construction, and in line with other authorities that have considered the issue, we conclude section 11372.5 is punitive in nature and thus supports adding to the lab analysis fee, an increment of a fine, the statutorily authorized penalty assessments. (*Sharret, supra*, 191 Cal.App.4th 859, 869-870.)

DISPOSITION

The judgment is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

NARES, J.

AARON, J.